

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEVIN DAMION CRICHLLOW,

Plaintiff,

-against-

COMMISSIONER ANTHONY J. ANNUCCI,  
et al.,

Defendants.

**ORDER**

18-CV-03222 (PMH)

PHILIP M. HALPERN, United States District Judge:

On August 18, 2020, the Court received a Declaration from Plaintiff seeking: (1) a “preliminary injunction” moving Plaintiff to Sing Sing or Downstate Correctional Facility (“Downstate”); (2) appointment of *pro bono* counsel; and (3) discovery. (*See generally*, Doc. 87). On September 22, 2020, after receiving a response from the New York State Office of the Attorney General (“NYSOAG”), counsel for Defendants, the Court issued a written Order denying the relief sought without prejudice to reapply for such relief at a later date. (Doc. 99).

On October 2, 2020, the Court received another Declaration from Plaintiff, dated September 22, 2020 and entitled, “Declaration Imminent Danger Add to (ECF Dkt. No. 87) Consolidation & Relief.” (Doc. 103). The submission focused specifically on an injunction directing his transfer to another correctional facility and his desire for discovery. (*See id.* ¶¶ 2, 7). The NYSOAG responded to the submission on October 16, 2020. (Doc. 107). The Court construes the September 22, 2020 as an amendment to the August 18, 2020 Declaration. Despite the additional information contained in the latest filing, Plaintiff’s application still suffers from the same insufficiencies identified in the September 22, 2020 Order.

Accordingly, Plaintiff's application for a preliminary injunction and discovery are denied without prejudice to reapply for such relief at a later date. The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

**SO ORDERED:**

Dated: New York, New York  
October 19, 2020



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PHILIP M. HALPERN  
United States District Judge